

**DECLARATION  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS FOR GENERATING AND SCREENING NOVEL METABOLIC PATHWAYS**

and for which a patent application:

is attached hereto and includes amendment(s) filed on \_\_\_\_\_ *(if applicable)*  
 was filed in the United States on October 24, 1996 as Application Serial No. 08/738,944 *(for declaration not accompanying application)*  
 with amendment(s) filed on \_\_\_\_\_ *(if applicable)*  
 was filed as PCT international application Serial No. \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19  
 on \_\_\_\_\_ *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION |         |                                      |  |
|--|---------|--------------------------------------|--|
| APPLICATION NUMBER   | COUNTRY | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED   |
|  |         |                                      | YES <input type="checkbox"/> NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| APPLICATION NUMBER | FILING DATE |
|--------------------|-------------|
|                    |             |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION SERIAL NO. | FILING DATE    | STATUS   |         |           |
|------------------------|----------------|----------|---------|-----------|
|                        |                | PATENTED | PENDING | ABANDONED |
| 08/639,255             | April 24, 1996 |          | X       |           |
|                        |                |          |         |           |
|                        |                |          |         |           |

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven J. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), SaraLynn Mandel (Reg. No. 31853), Mark A. Farley (Reg. No. 33170), James G. Markey (Reg. No. 31636), and Charles F. Hoyng (Reg. No. 35548), all of Pennie & Edmonds, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, N.Y. 10036-2711

DIRECT TELEPHONE CALLS TO:  
PENNIE & EDMONDS DOCKETING  
(212) 790-2803

|             |                         |                                    |  |  |
|-------------|-------------------------|------------------------------------|--|--|
| 2<br>0<br>1 | FULL NAME OF INVENTOR   | LAST NAME<br><b>Peterson</b>       | FIRST NAME<br><b>Todd</b>              | MIDDLE NAME<br><b>C.</b>                 |
|             | RESIDENCE & CITIZENSHIP | CITY<br>Chula Vista                | STATE OR FOREIGN COUNTRY<br>California | COUNTRY OF CITIZENSHIP<br>U.S.A.         |
|             | POST OFFICE ADDRESS     | STREET<br>652 Diamond Drive        | CITY<br>Chula Vista                    | STATE OR COUNTRY<br>California           |
| 2<br>0<br>2 | FULL NAME OF INVENTOR   | LAST NAME<br><b>Foster</b>         | FIRST NAME<br><b>Lyndon</b>            | MIDDLE NAME<br><b>M.</b>                 |
|             | RESIDENCE & CITIZENSHIP | CITY<br>Carlsbad                   | STATE OR FOREIGN COUNTRY<br>California | COUNTRY OF CITIZENSHIP<br>U.S.A.         |
|             | POST OFFICE ADDRESS     | STREET<br>968 Beach Crest Court    | CITY<br>Carlsbad                       | STATE OR COUNTRY<br>California           |
| 2<br>0<br>3 | FULL NAME OF INVENTOR   | LAST NAME<br><b>Brian</b>          | FIRST NAME<br><b>Paul</b>              | MIDDLE NAME                              |
|             | RESIDENCE & CITIZENSHIP | CITY<br>San Diego                  | STATE OR FOREIGN COUNTRY<br>California | COUNTRY OF CITIZENSHIP<br>United Kingdom |
|             | POST OFFICE ADDRESS     | STREET<br>4179 3rd Avenue, No. 305 | CITY<br>San Diego                      | STATE OR COUNTRY<br>California           |

OCTOBER 1996 - 1997

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |   |   |
|---|---|---|
| SIGNATURE OF INVENTOR 201   | SIGNATURE OF INVENTOR 202   | SIGNATURE OF INVENTOR 203   |
| <br>Todd C. Peterson | <br>Lyndon M. Foster | <br>Paul Brian |
| DATE<br>Jan. 13, 1997   | DATE<br>Jan 13, 1997  | DATE<br>Jan 13, 1997  |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Anticipated Classification of this application:

Class (subclass) 435-172.300

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Prior application:

Examiner Brusca, J.Art Unit 1805

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

Sir:

This is a request for filing a continuation divisional application under 37 CFR § 1.53(b), of pending prior application no. 08/738,944 filed on October 24, 1996

of Todd C. Peterson, Lyndon M. Foster, and Paul Brian

(inventor(s) currently of record in prior application)

for Methods For Generating And Screening Novel Metabolic Pathways  
(title of invention)

1.  Enclosed is a copy of the prior application, including the oath or declaration, as originally filed. I hereby verify that the enclosed is a true copy of the prior application.
2.  Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as a true copy.
3.  The filing fee is calculated below:

**CLAIMS AS FILED IN THE PRIOR APPLICATION INCLUDING ANY CLAIM MODIFICATIONS MADE BELOW**

12.  A preliminary amendment will be filed after issuance of the filing receipt.

13a.  Small entity status was established in prior application no. 08/738,944 filed October 24, 1996, and is still proper and desired.

13b.  A verified statement claiming small entity status is enclosed.

14.  This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no.  $\phi\phi$ , filed on  $\phi\phi$  be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no.  $\phi\phi$  is enclosed.

15.  The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no.  $\phi\phi$  is the same as the content of the computer readable form submitted in application no.  $\phi\phi$ .

16.  Additional enclosures or instructions.  $\phi\phi$

17.  Address all future communications to PENNIE & EDMONDS LLP, 1155 Avenue of the Americas, New York, New York 10036-2711.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

December 5, 1997  
(date)

*by Laura A. Coruzzi* Reg No. 40,258  
30,742  
Laura A. Coruzzi (signature) (Reg No.)

Name and address of signator: \_\_\_\_\_ Inventor(s)

Laura A. Coruzzi \_\_\_\_\_ Assignee of complete interest

1155 Avenue of the Americas \_\_\_\_\_ X Attorney or agent of record

New York, NY 10036 \_\_\_\_\_ Filed under rule 34(a)

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PENNIE & EDMONDS LLP